

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

JANE DOE,

Plaintiff,

v.

SCHOOL DISTRICT OF PALM BEACH
COUNTY and SCHOOL BOARD OF PALM
BEACH COUNTY, FLORIDA,

Defendant.

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants, the School Board of Palm Beach County and the School District of Palm Beach County, file this Notice of Removal of the above-described action to the United States District Court for the Southern District of Florida from the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, where the action is now pending, and state:

1. The above-entitled action was commenced in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, and is now pending in that court. Process was served on Defendants on December 8, 2022. A copy of Plaintiff's Complaint setting forth the claims for relief upon which the action is based was first received by Defendants on December 8, 2022.

2. There are two Defendants in this action, as set forth above, and both consent to the removal of this action.

3. This action was commenced against Defendants in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, by Plaintiff, and is of a civil nature, making claims against Defendants under federal law, Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681 et seq., and under state law, the Florida Educational Equity Act, section 1000.05, Florida Statutes, and for the tort of negligence.

4. The United States District Court for the Southern District of Florida has jurisdiction by reason of 28 U.S.C. § 1331 in that the action arises under the Laws of the United States that, as

appears from the complaint, Plaintiff bases her claim for relief against Defendants by virtue of and under the federal statutes and acts of Congress.

5. Copies of all process, pleadings, and orders served upon Defendants are filed with this notice as Composite Exhibit A.

6. This notice is filed with this Court within 30 days after service on Defendants of the summons and complaint on December 8, 2022.

7. On the date set forth below, a copy of this notice is being served on attorney for Plaintiff. On the same date, a copy of this notice will also be filed with the clerk of the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants request that this action proceed in this court as an action properly removed to it.

Dated: January 6, 2023

Respectfully submitted,

THE SCHOOL BOARD OF PALM BEACH
COUNTY, FLORIDA

Shawntoyia Bernard, Esq., General Counsel

3300 Forest Hill Blvd., Suite C-331

West Palm Beach, FL 33406

Telephone: (561) 434-7453

Facsimile: (561) 434-8105

jon.bell@palmbeachschools.org

sean.fahey@palmbeachschools.org

ana.jordan@palmbeachschools.org

amanda.castro@palmbeachschools.org

By: /s/ Sean Fahey

Sean Fahey, Esq.

Florida Bar No.: 0101083

J. Erik Bell, Esq.

Fla. Bar No.: 328900

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 6, 2023, a true and correct copy of the foregoing has been served by email to: Maegen Peek Luka, Esq. at NEWSOME MELTON, P.A., 201 South Orange Avenue, Suite 1500, Orlando, FL 32801, at luka@newsomelaw.com, mcmillon@newsomelaw.com, and kristine@newsomelaw.com.

By: /s/ Sean Fahey
Sean Fahey, Esq.
Florida Bar No.: 0101083